

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Tariff for natural gas service) Application No. NG-0005
available in the entire)
territory served by Kinder) ORDER ACCEPTING KINDER
Morgan, Inc. in the State of) MORGAN'S TARIFF
Nebraska.)
) Entered: August 5, 2003

O P I N I O N A N D F I N D I N G S

On July 3, 2003, Kinder Morgan, Inc. (KM) filed an original tariff for natural gas service it provides in the State of Nebraska. Section 50(2) of LB 790 [2003] provides:

The rates, terms and conditions of service, and rate areas of a jurisdictional utility in effect on or before the effective date of this act shall remain in effect after the effective date of this act and shall be treated as if approved and adopted by the commission pursuant to the State Natural Gas Regulation Act.

After the tariff filing, the Nebraska Public Service Commission (Commission) staff inquired as to whether the rates, terms and conditions of service set forth in KM's filed tariff were in effect on or before the effective date of LB 790. Upon statements by KM that the rates, terms and conditions of service set forth in the tariff were previously in effect, the Commission staff requested that KM file a sworn verification to that effect.

On July 21, 2003, KM filed the Affidavit of Bentley W. Breland, Vice President of Certificates and Rates. The Breland Affidavit verified that the majority of rates, terms and conditions of service set forth in the tariff were in effect on or before the effective date of LB 790, as reflected in municipal ordinances, materials in various Choice Gas Programs and practices in effect at that time.

Upon review of the tariff and the Breland Affidavit, the Commission finds that, for all significant purposes, the rates, terms and conditions of service set forth in the tariff were in effect on or before the effective date of LB 790 either in the form of municipal ordinances, Choice Gas Program materials or company practices. Any changes were necessary to transition from municipal regulation to Commission regulation under LB 790

and were either insignificant or not substantive. Specifically, the Commission does not find any changes requiring further consideration, under Section 8(3) of LB 790, at this time.

The Commission reserves the rights to further investigate, on its own initiative or the complaint of the Public Advocate, ratepayer or other interested party, the rates, terms and conditions of service set forth in KM's tariff, pursuant to Section 9 of LB 790.

O R D E R

The original tariff of KM filed on July 3, 2003, is accepted as reflecting the rates, terms and conditions of service in effect on or before the effective date of LB 790.

MADE AND ENTERED at Lincoln, Nebraska, this 5th day of August 2003.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Deputy Director